

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

WILLIAM IANNAcone,
individually,
Plaintiff,

v.

**CIVIL ACTION NO.: 2:24-cv-00245
HONORABLE THOMAS E. JOHNSTON**

**J.D. ELLISON, individually, and
THE NICHOLAS COUNTY
COMMISSION, a political
Subdivision of the State of West
Virginia,**
Defendants.

DEFENDANTS' MOTION TO DISMISS

NOW COME the Defendants, Deputy J.D. Ellison and the Nicholas County Commission, by counsel, Wendy E. Greve, Drannon L. Adkins and the law firm of Pullin Fowler, Flanagan, Brown & Poe, PLLC, pursuant to Rule 12 of the Federal Rules of Civil Procedure and 7.1(a) of the Local Rules of Civil Procedure, and respectfully move the Court to dismiss this matter. In support of said Motion, the Defendants rely upon their *Memorandum of Law in Support of Motion to Dismiss*, filed contemporaneously.

WHEREFORE, Plaintiff's Complaint fails to state a claim for which relief may be granted against the Defendants. Thus, for the foregoing reasons, these Defendants respectfully request that this Honorable Court dismiss the claims against them, with prejudice.

**DEPUTY J.D. ELLISON and THE
NICHOLAS COUNTY COMMISSION,**
By Counsel,

/s/ Drannon L. Adkins

Wendy E. Greve, WV State Bar No. 6599
Drannon L. Adkins, WV State Bar No. 11384

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CERTIFICATE OF SERVICE

I hereby certify on the **15th** day of **July 2024**, I electronically filed the foregoing **DEFENDANTS' MOTION TO DISMISS** with the Clerk of the Court via the CM/ECF system which will send notification to the following:

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Counsel for Plaintiff

/s/ Drannon L. Adkins

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